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10/026,705	12/27/2001	Kelly C. Morgan	BS01.166	9197

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EXAMINER

NGUYEN BA, PAUL H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/026,705

Applicant(s)

MORGAN ET AL.

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 6/26/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Notice to Applicant*

1. This action is responsive to Applicant's Amendment and Remarks filed on 2/7/2005.
2. Claims 1-32 have been considered. Claims 1, 14, 25 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-12, 14-20, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640, in view of Visconti, U.S. Patent No. 6,876,973.

### Claims

1. A computer readable medium encoded with structured information for expressing specific business content, the structured information comprising:

### Getchius/Visconti

See Abstract; see also Figs. 18 and 21. Generic objects are created and used to represent business listings upon which a user may perform queries.

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a plurality of categories, wherein each category represents an aspect of the business; and

See Figs. 9, 10, 12, 14 and 44; see also col. 9 lines 37-43; col. 10 lines 1-17. Categories are associated with the various business listings.

a plurality of elements associated with at least a subset of the plurality of categories, wherein each element represents a sub-aspect of the business,

See col. 61 lines 22-57. "Super-categories" may consist of a sub-set of the categories.

wherein the structured information is arranged hierarchically.

See col. 33 lines 6-10.

Getchius does not explicitly teach "such that a particular business for which an instantiation of at least a portion of the structured information is applied..."

However, Visconti teaches a restaurant directory and marketing system wherein data describing a restaurant, including such attention inviting information like a unique recipe for which the restaurant may be known, the vitae of the chef, or some video images of the restaurant facility or its setting. Along with that inscription of data, the restaurant manager may also inscribe its particulars relating to credit card payment and a seating chart (see col. 2 lines 60-67). In more detail, each subscribing restaurant that seeks to join the web site is assigned a web page on which certain categorized information is inscribed along with such other information as the restaurateur deems of interest and prone to attract inquiries. The required information may comprise items like the restaurant address, menu listing, seating capacity and credit card facility which may then be selectively linked to other sites like those providing a directions map (see col. 3 lines 14-24).

Since Getchius and Visconti are both from the same field of endeavor, the purposes disclosed by Visconti would have been recognized in the

pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Visconti to include aspects of a particular business for which an instantiation of at least a portion of the structured information is applied for the express motivational purpose of searching and finding information on various restaurants.

2. The computer readable medium of claim 1, wherein the structured information is extensible.

See col. 13 lines 27-35 → SGML

3. The computer readable medium of claim 1, wherein the structured information is developed using extensible markup language (XML).

Getchius teaches the computer readable medium of claim 1 as discussed above, but does not specifically teach using extensible markup language for developing structured information. However, Getchius teaches the use of SGML, from which XML is a subset for the purpose of developing structured information.

It was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art to use XML for the purpose of developing structured information.

4. The computer readable medium of claim 1, wherein the structured information expresses an advertising medium.

See the last sentence of the Abstract and col. 5 lines 34-58.

5. The computer readable medium of claim 1, wherein the structured information expresses the specific business content of a dining guide...

See Fig. 12 → restaurant guide; and refer to rationale relied upon to reject claim 1 above.

6. The computer readable medium of claim 1, wherein at least one of categories comprises a

See Fig. 3, 11, 13, and 15.

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graphic, a cover, an index and a map.

7. The computer readable medium of claim 6, wherein the graphic comprises at least one item selected from the group consisting of an advertisement, amenities, advertiser descriptors and payment method.

Please refer to the rationale relied upon to reject claim 6 above.

9. The computer readable medium of claim 7, wherein the advertisement is identified by an ad ID and a copy ID.

See Figs. 60 and 61, col. 49 lines 48 *et seq.* → advertisement IDs; see also col. 57 lines 49 *et seq.* → copy nodes and IDs.

10. The computer readable medium of claim 6, wherein the graphic comprises a logo.

Please refer to the rationale relied upon to reject claim 6 above.

11. The computer readable medium of claim 1, wherein the structured information comprises a cuisine code.

Getchius does not specifically teach a cuisine code. However, it was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a cuisine code or identification in a dining guide for the purpose of serving as a shorthand symbol or representation of the type cuisine associated with a particular establishment.

12. The computer readable medium of claim 1, wherein at least some of the structured information is predetermined.

See col. 9 lines 30-33 → predetermined top categories

18. ...hierarchical structure comprises information related to restaurants.

See Figs. 11 and 12.

20. ...identification of an advertising type.

See col. 51 lines 60-61.

Independent claim 14 incorporates substantially similar subject matter as independent claim 1, and is rejected along the same rationale.

With respect to claims 15, 16, and 26, please refer to the rationale relied upon to reject claim 3. Furthermore, it was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art that a DTD is associated with an XML file to define the legal building blocks of the XML document.

With respect to claims 17 and 28, refer to the rationale relied upon to reject claim 5.

With respect to claims 19 and 27, refer to the rationale relied upon to reject claim 4.

With respect to independent claim 25, please refer to the rationales relied upon to reject independent claim 1 and dependent claim 3.

With respect to claims 29, refer to the rationale relied upon to reject claim 20.

With respect to claims 23, 24, 31, and 32, please refer to the rationale relied upon to reject claim 6.

With respect to claim 32, refer to the rationale relied upon to reject claim 11.

5. Claims 8, 13, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640, in view of Visconti, U.S. Patent No. 6,876,973, in further view of Zamora-McKelvy et al. ("Zamora"), U.S. Patent No. 5,991,770.

#### Claims

8. The computer readable medium of claim 7, wherein the advertisement is identified by a universal directory advertising code (UDAC).

#### Getchius/Visconti /Zamora

Getchius teaches the computer readable medium of claim 7 as discussed above, but does not specifically teach the advertisement being identified by a UDAC. However, Zamora teaches the identification of file information by means of a UDAC (col. 3 lines 2-5, 36-41) for the purpose of automatically generating a yellow page directory.

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Since Getchius and Zamora are both from the same field of endeavor, the purposes disclosed by Zamora would have been recognized in the pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include an advertisement being identified by a UDAC.

13. The computer readable medium of claim 12, wherein ...ad height and width are predetermined.

Getchius teaches the computer readable medium of claim 12 as discussed above, but does not specifically teach a predetermined ad height and width. However, Zamora teaches predetermined data file information (col. 1 lines 48 *et seq.*) for the purpose of automatically generating a yellow page directory.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include predetermined data ad properties such as height and width for the purpose of generating a yellow page directory.

With respect to claim 21, refer to the rationale relied upon to reject claim 8.

With respect to claim 22, refer to the rationale relied upon to reject claim 13.



***Response to Arguments***

6. Applicant's arguments with respect to claims filed on 2/7/2005 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection include the addition of the Visconti patent, which is relied upon to for teaching the newly added limitation, "such that a particular business for which an instantiation of at least a portion of the structured information is applied..." It is the examiner's opinion that one of ordinary skill in the art would be motivated to arrive at the present invention by combining Getchius and Visconti.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094.

The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

*William S. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
6/27/2005